

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

FIFTH DAY'S PROCEEDINGS

**Twenty-Ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, April 8, 2003

The Senate was called to order at 9:30 o'clock A.M., by Hon. John Hainkel, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fontenot	Michot
Adley	Hines	Mount
Barham	Holden	Romero
Boissiere	Irons	Smith
Cain	Jones, B	Tarver
Dean	Lambert	Theunissen
Dupre	Lentini	
Ellington	Malone	
Total—22		

ABSENT

Bajoie	Gautreaux	Marionneaux
Bean	Heitmeier	McPherson
Chaisson	Hollis	Schedler
Cravins	Hoyt	Thomas
Dardenne	Johnson	Ullo
Fields	Jones, CD	
Total—17		

The President of the Senate announced there were 22 Senators present and a quorum.

Prayer

The prayer was offered by Senator Holden, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Holden, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Introduction of Senate Bills
and Joint Resolutions**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 999—
BY SENATOR HOLDEN

AN ACT

To enact Code of Civil Procedure Art. 1732(7), relative to civil jury trials; to provide that a jury trial shall not be available in certain admiralty or maritime cases; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

SENATE BILL NO. 1000—
BY SENATORS B. JONES AND THEUNISSEN

AN ACT

To amend and reenact R.S. 51:2452(A), 2453(1)(b)(i), and 2453(4), relative to the quality jobs program; to provide that out-of-state employees relocating to Louisiana qualify as "new direct jobs" under the "Louisiana Quality Jobs Program Act"; to provide for technical and grammatical changes and for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

SENATE BILL NO. 1001—
BY SENATOR DEAN

AN ACT

To amend and reenact R.S. 43:31(A)(1) and (2), relative to printed matter prohibitions and uniform standards; to provide a set paper size for the printing of certain printed matter by state agencies; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

Rules Suspended

Senator Mount asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 324 from the Committee on Judiciary A.

SENATE BILL NO. 324—
BY SENATOR MOUNT

AN ACT

To amend and reenact Civil Code Art. 230(B)(1) and R.S. 9:315.22(C), relative to child support; to provide for continued support for a child until his twenty-third birthday for educational purposes; and to provide for related matters.

On motion of Senator Mount, the bill was read by title and withdrawn from the files of the Senate.

Recess

On motion of Senator Lambert, the Senate took a recess until 4:00 o'clock P.M.

After Recess

The Senate was called to order at 4:00 o'clock P.M. by the President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero

April 8, 2003

Chaisson
Cravins
Dardenne
Dean
Dupre
Ellington
Total—35

Hoyt
Irons
Johnson
Jones, B
Lambert
Lentini

ABSENT

Schedler
Smith
Tarver
Theunissen
Thomas

Bean
Fields
Total—4

Jones, CD
Ullo

The President of the Senate announced there were 35 Senators present and a quorum.

Senate Business Resumed**Petitions, Memorials and Communications**

The following petitions, memorials and communications were received and read:

**PARISH OF ST. CHARLES
Office of the Council**

September 30, 2002

Ms. Marsha Jabour
Office of the Governor
Boards and Commissions
P. O. Box 94004
Baton Rouge, LA 70804-9004

Re: River Parishes Tourist Commission

Dear Ms. Jabour:

On Monday, September 23, 2002, the Parish Council adopted Resolution No. 5056 appointing Ms. Betty Haydell to the River Parishes Tourist Commission:

A copy of the resolution is enclosed for your records.

Sincerely,
BARBARA J. JACOB
Council Secretary

**FIFTEENTH JUDICIAL DISTRICT COURT
State of Louisiana**

October 23, 2002

Ms. Marsha Jabour
Director of Boards and Commissions
Governor's Office of Boards and Commissions
P.O. Box 94004
Baton Rouge, LA 70804

Dear Ms. Jabour:

Due to the recent death of Judge Michael S. Ingram, the Louisiana District Judges Association appoints Judge Frank A. Marullo, Jr., to the Commission, pursuant to R.S. 13:42, as amended by Acts 2001, No. 225, § 1, (Attachment A) to a four year term.

If there is any thing further you require to effect this appointment, please advise.

By copy of this letter to Mr. Jerry Guillot, Chief of Staff, Louisiana State Senate, I am requesting that the Senate confirm this appointment at its earliest opportunity.

Sincerely,
HON. DURWOOD CONQUE
Immediate Past-President,
Louisiana District Judges Association

**LOUISIANA CONFERENCE OF
COURT OF APPEAL JUDGES**

October 24, 2002

Ms. Marsha Jabour
Director of Boards and Commissions
Governor's Office of Boards and Commissions
P.O. Box 94004
Baton Rouge, LA 70804

Dear Ms. Jabour:

Due to the resignation of Judge Robert Morrison, the Conference of Court of Appeal Judges appoints Judge Ulysses Thibodeaux to the Commission, pursuant to R.S. 13:42, as amended by Acts 2001, No. 225, § 1, (Attachment A) to a four-year term.

If there is anything further you require to effect this appointment, please advise.

By copy of this letter to Mr. Jerry Guillot, Chief of Staff, Louisiana State Senate, I am requesting that the Senate confirm this appointment at its earliest opportunity.

Sincerely,
HON. HENRY N. BROWN, JR.
Chair, Conference of Court of Appeal Judges

RIVER PARISHES TOURIST COMMISSION

January 9, 2003

Senator John Hainkel
President of the Louisiana Senate
P. O. Box 94183
Baton Rouge, Louisiana 70804

Dear Senator Hainkel:

I would appreciate if you and all Members of the Senate would consider the following persons for appointment to the River Parishes Tourist Commission, formerly the River Parishes Convention, Tourist and Visitors Commission.

ST. JAMES PARISH COMMISSIONERS

Dolores Florent	Camella S. Landry
1225 Luther King Street	P. O. Box 486
Vacherie, Louisiana 70090	Lutcher, Louisiana 70071

ST. JOHN THE BAPTIST PARISH COMMISSIONERS:

Peter Jasper	Judy Sony
P. O. Box 2908	425 West Airline Highway,
Reserve, Louisiana 70084	Suite A
	LaPlace, Louisiana 70068

ST. CHARLES PARISH COMMISSIONERS

Debra Duffresne Vial
P. O. Box 25
Luling, Louisiana 70070

If you have any questions, please do not hesitate to contact me.

Thanking you and with best personal regards, I am,

Very truly yours,
PAUL G. AUCOIN
Chairman

OFFICE OF THE COMMISSIONER OF INSURANCE

January 17, 2003

Senator John Hainkel, Jr.
Louisiana State Senate
State Capital
P.O. Box 94183
Baton Rouge, Louisiana 70804

Re: Senate Confirmation

Dear Senator Hainkel:

Pursuant to R.S. 22:1192, I hereby appoint Mr. Joe Goodson of Union National Life Insurance Company representing the Louisiana Insurers Conference to the Insurance Education Advisory Council (IEAC) which comes under my jurisdiction.

His address is: Joe Goodson
Union National Life Insurance Company
P.O. Box 3638
Baton Rouge, LA 70821
(225) 927-3420

Should you have any questions, please do not hesitate to contact me or Teri Taylor, Assistant Commissioner of Licensing and Compliance at (225) 342-0800.

Sincerely,
J. ROBERT WOOLEY
Acting Commissioner of Insurance

SENATE
State of Louisiana

April 8, 2003

Honorable Robert Adley
State Senator
611 Jessie Jones Drive
Benton, LA 71006

Dear Senator Adley:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the Senate Committee on Labor and Industrial Relations.

In accordance with Senate Rule 13.20, I hereby appoint you to serve as a member of the Senate Select Committee on Consumer Affairs.

As always, thank you for your assistance, cooperation and for your service in this very important undertaking.

Sincerely,
JOHN J. HAINKEL, JR.

Rules Suspended

Senator Lambert asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Introduction of Senate Bills
and Joint Resolutions**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 1002—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 19:121, relative to expropriation of property by a declaration of taking by the cities of Bossier City and Shreveport; to redefine property subject to such expropriation; to direct the Louisiana State Law Institute to appropriately rename the Part heading; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 1003—

BY SENATOR HEITMEIER

AN ACT

To enact R.S. 45:570, relative to railroads; to provide for walkways along the side of railroad tracks; to provide for the Public Service Commission to promulgate rules, regulations, and standards relative to the walkways; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

SENATE BILL NO. 1004—

BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 22:2021, relative to health care; to provide for certain medical necessity review determinations by health maintenance organizations for services ordered by their contractual or employee providers; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

SENATE BILL NO. 1005—

BY SENATOR HEITMEIER

AN ACT

To enact R.S. 33:135.3, relative to the powers and duties of regional planning commissions; to provide for additional powers and duties for certain commissions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 1006—

BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 14:71.2, 16:15.1(A) and (B), R.S. 47:820.5.1, 820.5.2, and R.S. 49:992(D)(1), and to enact R.S. 47:820.5.3 and R.S. 49:992(D)(9), relative to roads and highways; to provide relative to toll violations on the Crescent City Connection and the Greater New Orleans Expressway; to provide for police powers of the Crescent City Connection Division and the Greater New Orleans Expressway Commission; to facilitate collection of tolls by video or photomonitoring systems; to provide for penalties; to provide for the crime of failure to pay bridge or causeway tolls; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

SENATE BILL NO. 1007—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 47:6005, relative to income and franchise tax; to grant a tax credit for the purchase of certain equipment and/or service contracts related to recycling; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 1008—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 33:2451(A)(8), relative to the civil service system and personnel administration in Rapides Parish; to extend the rules of the civil service system to certain federal program director positions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 1009—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 13:2095.2(A), and to enact Code of Criminal Procedure Art. 887(I), relative to the marshal of the city court of Pineville; to provide for the collection of fees in all criminal and traffic matters; to authorize the marshal to collect an additional fee from convicted persons as reimbursement for costs expended in executing warrants; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

SENATE BILL NO. 1010—

BY SENATOR CHAISSON

AN ACT

To repeal R.S. 17:60.1(K) and 63, relative to restrictions on certain city, parish, or other local school board members; to repeal all prohibitions on members of any city, parish, or other local school board from qualifying or running for another public office without their school board seat being vacated; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

Rules Suspended

Senator Lentini asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Introduction of Resolutions,
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 13—

BY SENATOR LENTINI

A RESOLUTION

To continue and provide with respect to the commission created to study medical professional liability and to require such group to make recommendations relative to state law established during the 2001 Second Extraordinary Session pursuant to Senate Resolution No. 14.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Judiciary A.

SENATE CONCURRENT RESOLUTION NO. 34—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study and make recommendations on local human services delivery systems for mental health, developmental disabilities, and addictive disorders services.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Health and Welfare.

SENATE CONCURRENT RESOLUTION NO. 35—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To amend the Department of Health and Hospitals, State Board of Medical Examiners rules LAC 46:XLV.3147 and LAC 46:XLV.3149, relative to the certification of athletic trainers; to provide for the designation of the state certification examination; and to provide for related matters.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Health and Welfare.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY C

Senator Lentini, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

SENATE BILL NO. 77—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 26:81(C), and (D) and 281(C), (D) and (F) and to enact R.S. 17:405(A)(1)(h) and (i), and (4) relative to the status and location of licensed day care centers; to provide relative to the proximity of licensed day care centers to alcohol service providers; to place such day care centers within drug free zones; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 292—

BY SENATOR MOUNT

AN ACT

To amend and reenact Code of Criminal Procedure Art. 553(C), relative to method of pleading; authorizes a court to require a defendant to appear in open court for good cause shown; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 375—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact the introductory paragraph of R.S. 15:542(B) and 542.1(D) and to enact R.S. 15:541(18), (19), and (20), 542(B)(5), 542.1(C)(6) and (G)(3) and R.S. 17:3135, relative to registration of sex offenders; to require certain sex offenders to notify the Louisiana Bureau of Criminal Identification and Information when enrolled or employed at any institution of postsecondary education; to require such bureau to notify the institution of postsecondary education where such offender is enrolled or employed; to provide for definitions; to require institutions of postsecondary education to inform students, faculty, and staff where information on sex offenders can be obtained; to require the Board of Regents to develop a policy for such notification; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ellington, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR MICHOT

A CONCURRENT RESOLUTION

To create a special committee to study and develop recommendations for standards and records management technologies for clerks of court's offices.

Reported with amendments.

SENATE BILL NO. 20—
BY SENATOR SMITH

AN ACT

To amend and reenact Part III of Chapter 18 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2650 through 2653 and R.S. 3:2691, relative to livestock; to provide for the liability and prosecution of owners of dogs that kill, harass, or wound livestock; to authorize any person finding any dog not on the premises of its owner, harbinger, or possessor to kill any dog harassing, wounding, or killing livestock; to authorize police juries to enact ordinances for the protection of livestock; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 162—
BY SENATOR FIELDS

A JOINT RESOLUTION

Proposing to amend Article V, Section 10(B) of the Constitution of Louisiana, relative to appellate jurisdiction of a court of appeal; to provide that the appellate jurisdiction of a court of appeal in all matters be limited to questions of law; and to specify an election date for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

SENATE BILL NO. 251—
BY SENATOR LENTINI

(On Recommendation of the La. Law Institute)
AN ACT

To amend and reenact R.S. 9:1893, 1963, 1965, 1990, 2051, 2068, 2159(1), and 2241 and to enact R.S. 9:1809, 1979, and 2131, relative to the Louisiana Trust Code, the beneficiaries of a trust, the powers of a trustee, and the principal and income of a trust; to provide for the representation of a principal beneficiary who is a descendant, a sibling, or a descendant of a sibling of the settlor and who predeceases the settlor of a testamentary trust; to provide for a definition of accumulated income and to permit its distribution without objective standards; to provide for the beneficiaries of an interest in trust income after the termination of an interest in trust income; to provide for the status of a potential substitute principal beneficiary; to provide for the effect of a refusal of an interest in a trust; to provide for the modification, division, termination, or revocation of a trust by a testament; to provide for the non-prorata distribution of trust property by a trustee; to provide that a trustee may not make an adjustment between principal and income if the adjustment would cause ineligibility for the estate-tax or gift tax marital deduction or charitable deduction; to provide for the selection by the trustee of the attorney to handle the legal affairs of a trust; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 253—
BY SENATOR DARDENNE

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:61, relative to court costs and fees; to provide that any new court cost or fee or increase in an existing court cost or fee first be submitted to the Judicial Council for review and recommendation; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 947—
BY SENATOR SMITH

AN ACT

To enact R.S. 9:275.5, relative to covenant marriage; to provide for limitation of liability for a pastoral counselor; to provide for an exception; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 983—
BY SENATOR DARDENNE

AN ACT

To amend and reenact Children's Code Art. 1015; relative to termination of parental rights; to provide for the terminations of parental rights of parents who have been convicted of sexually abusing their children; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Cravins, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary B to submit the following report:

SENATE BILL NO. 376—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 15:542.1(I)(4), relative to sex offenders; to provide relative to registration of sexually violent predators and child predators; to provide relative to required verification of address by such offenders; to provide relative to penalties for failure to provide such verification; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 686—
BY SENATOR ULLO

AN ACT

To enact R.S. 47:9011.1, relative to broadcasting the "Amber Alert" signal by the Louisiana Lottery Corporation; to require the Louisiana Lottery Corporation to distribute information received from the state police relative to child abductions; to provide that lottery ticket terminals statewide shall be utilized to assist the "Amber Alert" system; to provide for the Lottery Corporation and the state police to enter into an agreement to receive and generate abduction and other emergency information; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 817—
BY SENATOR FIELDS

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:61, relative to the use of certain court costs to fund drug rehabilitation services; to create the Drug Rehabilitation Fund; to provide for its investment and uses; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DONALD R. CRAVINS
Chairman

REPORT OF COMMITTEE ON

AGRICULTURE

Senator Smith, Chairman on behalf of the Committee on Agriculture, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Agriculture to submit the following report:

SENATE BILL NO. 147—
BY SENATOR SMITH AND REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 38:2251(L) and R.S. 39:1595(K), relative to forestry products; to provide an exception for treated wood poles and piling from preferences for products produced or manufactured in Louisiana; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 149—

BY SENATOR SMITH AND REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 3:4278.2, relative to timber sales; to provide relative to conditions imposing a time period within which to remove timber; to provide for the removal of timber with the written consent of eighty percent of the ownership interest; to require publication of a classified advertisement seeking the whereabouts of co-owners; to provide for the commencement of harvesting timber upon sixty days after publication or mailing of written consent; to provide for the rights of nonconsenting co-owners; to provide for evidence of violations; to provide an exception to the disposition of undivided shares; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 415—

BY SENATOR SMITH AND REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact the introductory paragraph of R.S. 3:264(B), R.S. 3:266(19), 314(C), 414, 446.5(G), 543(C), 544(B)(5), 1604(A)(3), 3391.5(A), and 4402(A), R.S. 15:1153(B)(2)(d), and R.S. 49:327.1(N), 327.2(P), and 968(B)(18), relative to the Senate and House agriculture committees; to change various statutes to provide for the Senate and House Committees on Agriculture, Forestry, Aquaculture and Rural Development; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 678—

BY SENATOR FONTENOT
AN ACT

To amend and reenact Part II-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:471 through 478, and R.S. 36:629(E)(6), relative to strawberries; to provide for the membership, powers, and duties of the Strawberry Marketing Board; to provide for assessments on the sale of strawberries; to provide for powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 745—

BY SENATOR SMITH
AN ACT

To amend and reenact R.S. 14:67.1 and to repeal R.S. 14:67.4 and 67.5, relative to theft; to provide relative to theft of livestock; to define such theft; to include certain things within such definition; to provide for presumptive evidence of intent to deprive a person of livestock or proceeds from sale of livestock; to provide for an affirmative defense; to define livestock; to provide penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 777—

BY SENATOR GAUTREAUX
AN ACT

To enact R.S. 3:4617(D), (E), and (F), relative to advertising; to regulate the use of "Cajun" and "Louisiana Creole" in advertising food products; to prohibit deceptive packaging; to provide relative to the use of additives in food; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 779—
BY SENATOR SMITH

AN ACT

To amend and reenact Part VI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:551.1 through 551.11, and to enact R.S. 4:551, relative to eggs; to provide for the membership, powers, and duties of the Louisiana Egg Commission; to provide for assessments on the sale of eggs; to provide for the powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 838—

BY SENATORS ELLINGTON AND BARHAM
AN ACT

To amend and reenact R.S. 3:1614(C) and 1617(A) and to enact R.S. 3:1614(D), relative to agricultural assessments; to provide for certain referendum involving boll weevil assessments; and to provide for related matters.

Reported favorably.

Respectfully submitted,
MIKE SMITH
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Ellington asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 20—
BY SENATOR SMITH

AN ACT

To amend and reenact Part III of Chapter 18 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2650 through 2653 and R.S. 3:2691, relative to livestock; to provide for the liability and prosecution of owners of dogs that kill, harass, or wound livestock; to authorize any person finding any dog not on the premises of its owner, harbinger, or possessor to kill any dog harassing, wounding, or killing livestock; to authorize police juries to enact ordinances for the protection of livestock; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 77—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 26:81(C), and (D) and 281(C), (D) and (F) and to enact R.S. 17:405(A)(1)(h) and (i), and (4) relative to the status and location of licensed day care centers; to provide relative to the proximity of licensed day care centers to alcohol service providers; to place such day care centers within drug free zones; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 77 by Senator Mount

AMENDMENT NO. 1

On page 1, line 3, after "(4)" add a comma ","

AMENDMENT NO. 2

On page 2, line 8, after "license" change "issues" to "issued"

AMENDMENT NO. 3

On page 2, line 22, after "defined in" change "R.S. 17:405A(4)" to "R.S. 17:405(A)(4)"

AMENDMENT NO. 4

On page 3, line 15, after "center" add "as defined in R.S. 17:405(A)(4)"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 147—

BY SENATOR SMITH AND REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 38:2251(L) and R.S. 39:1595(K), relative to forestry products; to provide an exception for treated wood poles and piling from preferences for products produced or manufactured in Louisiana; and to provide for related matters.

Reported favorably by the Committee on Agriculture. On motion of Senator Smith, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 149—

BY SENATOR SMITH AND REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 3:4278.2, relative to timber sales; to provide relative to conditions imposing a time period within which to remove timber; to provide for the removal of timber with the written consent of eighty percent of the ownership interest; to require publication of a classified advertisement seeking the whereabouts of co-owners; to provide for the commencement of harvesting timber upon sixty days after publication or mailing of written consent; to provide for the rights of nonconsenting co-owners; to provide for evidence of violations; to provide an exception to the disposition of undivided shares; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 149 by Senator Smith

AMENDMENT NO. 1

On page 3, line 5, change "provision" to "Section"

AMENDMENT NO. 2

On page 3, line 10, between "notice" and "by" insert "provided in Subsection C of this Section"

AMENDMENT NO. 3

On page 3, line 24, change "once" to "twice in consecutive weeks" and between "journal" and "where" insert "of the parish"

AMENDMENT NO. 4

On page 4, line 5, change "set forth" to "as provided" and change "unless no" to "if"

AMENDMENT NO. 5

On page 4, line 6, place a period "." after "needed" and delete the remainder of the line and on line 7, delete "known co-owners, in which case" and insert "If no such publication is required,"

AMENDMENT NO. 6

On page 5, line 5, change "may" to "shall"

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On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 162—

BY SENATOR FIELDS

A JOINT RESOLUTION

Proposing to amend Article V, Section 10(B) of the Constitution of Louisiana, relative to appellate jurisdiction of a court of appeal; to provide that the appellate jurisdiction of a court of appeal in all matters be limited to questions of law; and to specify an election date for submission of the proposition to electors and provide a ballot proposition.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 251—

BY SENATOR LENTINI (On Recommendation of the La. Law Institute)
AN ACT

To amend and reenact R.S. 9:1893, 1963, 1965, 1990, 2051, 2068, 2159(1), and 2241 and to enact R.S. 9:1809, 1979, and 2131, relative to the Louisiana Trust Code, the beneficiaries of a trust, the powers of a trustee, and the principal and income of a trust; to provide for the representation of a principal beneficiary who is a descendant, a sibling, or a descendant of a sibling of the settlor and who predeceases the settlor of a testamentary trust; to provide for a definition of accumulated income and to permit its distribution without objective standards; to provide for the beneficiaries of an interest in trust income after the termination of an interest in trust income; to provide for the status of a potential substitute principal beneficiary; to provide for the effect of a refusal of an interest in a trust; to provide for the modification, division, termination, or revocation of a trust by a testament; to provide for the non-prorata distribution of trust property by a trustee; to provide that a trustee may not make an adjustment between principal and income if the adjustment would cause ineligibility for the estate-tax or gift tax marital deduction or charitable deduction; to provide for the selection by the trustee of the attorney to handle the legal affairs of a trust; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 253—

BY SENATOR DARDENNE

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:61, relative to court costs and fees; to provide that any new court cost or fee or increase in an existing court cost or fee first be submitted to the Judicial Council for review and recommendation; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 253 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 6, after "recommendation;" delete "to provide for an effective date;"

AMENDMENT NO. 2

On page 2, line 13, after "mayor's court," insert "justice of the peace court"

AMENDMENT NO. 3

On page 2, delete lines 21 through 26 in their entirety

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 292—

BY SENATOR MOUNT

AN ACT

To amend and reenact Code of Criminal Procedure Art. 553(C), relative to method of pleading; authorizes a court to require a defendant to appear in open court for good cause shown; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 292 by Senator Mount

AMENDMENT NO. 1

On page 1, line 13, change "**Defense**" to "**For good cause shown, defense**"

AMENDMENT NO. 2

On page 1, line 14, after "**require**" delete "**, for good cause shown,**"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 375—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact the introductory paragraph of R.S. 15:542(B) and 542.1(D) and to enact R.S. 15:541(18), (19), and (20), 542(B)(5), 542.1(C)(6) and (G)(3) and R.S. 17:3135, relative to registration of sex offenders; to require certain sex offenders to notify the Louisiana Bureau of Criminal Identification and Information when enrolled or employed at any institution of postsecondary education; to require such bureau to notify the institution of postsecondary education where such offender is enrolled or employed; to provide for definitions; to require institutions of postsecondary education to inform students, faculty, and staff where information on sex offenders can be obtained; to require the Board of Regents to develop a policy for such notification; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 375 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 2, after "(G)(3)" add "are hereby enacted to read as follows"

AMENDMENT NO. 2

On page 3, line 6, after "if" add "**the**"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 376—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 15:542.1(I)(4), relative to sex offenders; to provide relative to registration of sexually violent predators and child predators; to provide relative to required verification of address by such offenders; to provide relative to penalties for failure to provide such verification; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 415—

BY SENATOR SMITH AND REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact the introductory paragraph of R.S. 3:264(B), R.S. 3:266(19), 314(C), 414, 446.5(G), 543(C), 544(B)(5), 1604(A)(3), 3391.5(A), and 4402(A), R.S. 15:1153(B)(2)(d), and R.S. 49:327.1(N), 327.2(P), and 968(B)(18), relative to the Senate and House agriculture committees; to change various statutes to provide for the Senate and House Committees on Agriculture, Forestry, Aquaculture and Rural Development; and to provide for related matters.

Reported favorably by the Committee on Agriculture. On motion of Senator Smith, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 678—

BY SENATOR FONTENOT

AN ACT

To amend and reenact Part II-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:471 through 478, and R.S. 36:629(E)(6), relative to strawberries; to provide for the membership, powers, and duties of the Strawberry Marketing Board; to provide for assessments on the sale of strawberries; to provide for powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 678 by Senator Fontenot

AMENDMENT NO. 1

On page 4, line 16, change "eleven" to "twelve"

AMENDMENT NO. 2

On page 5, between lines 5 and 6, insert the following:

"R.S. 3:473(B)(6) is all proposed new law.

(6) One member shall be a consumer with knowledge of the strawberry industry."

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 686—

BY SENATOR ULLO

AN ACT

To enact R.S. 47:9011.1, relative to broadcasting the "Amber Alert" signal by the Louisiana Lottery Corporation; to require the Louisiana Lottery Corporation to distribute information received from the state police relative to child abductions; to provide that lottery ticket terminals statewide shall be utilized to assist the "Amber Alert" system; to provide for the Lottery Corporation

and the state police to enter into an agreement to receive and generate abduction and other emergency information; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 745—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 14:67.1 and to repeal R.S. 14:67.4 and 67.5, relative to theft; to provide relative to theft of livestock; to define such theft; to include certain things within such definition; to provide for presumptive evidence of intent to deprive a person of livestock or proceeds from sale of livestock; to provide for an affirmative defense; to define livestock; to provide penalties; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 745 by Senator Smith

AMENDMENT NO. 1

On page 2, line 27, change "longer;" to "longer,"

AMENDMENT NO. 2

On page 3, line 8, between "from" and "sale" insert "the"

AMENDMENT NO. 3

On page 3, delete lines 21 through 24, and insert in lieu thereof the following:

"D. "Livestock" means any animal, except dogs and cats, bred, kept, maintained, raised, or used for profit, used in agriculture, aquaculture, or silviculture or for other related purposes, or used in the production of crops, animals, or plant or animal products"

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 777—

BY SENATOR GAUTREAU

AN ACT

To enact R.S. 3:4617(D), (E), and (F), relative to advertising; to regulate the use of "Cajun" and "Louisiana Creole" in advertising food products; to prohibit deceptive packaging; to provide relative to the use of additives in food; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 777 by Senator Gautreaux

AMENDMENT NO. 1

On page 1, line 2, change "3:4617(D), (E), and (F)," to "3:4617(D) and (E),"

AMENDMENT NO. 2

On page 1, line 4, after "packaging;" delete the remainder of the line and on line 5 delete "in food;"

AMENDMENT NO. 3

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On page 1, line 7, change "3:4617(D), (E), and (F)" to "3:4617(D) and (E)"

AMENDMENT NO. 4

On page 2, delete lines 12 through 16

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 779—

BY SENATOR SMITH

AN ACT

To amend and reenact Part VI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:551.1 through 551.11, and to enact R.S. 4:551, relative to eggs; to provide for the membership, powers, and duties of the Louisiana Egg Commission; to provide for assessments on the sale of eggs; to provide for the powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 779 by Senator Smith

AMENDMENT NO. 1

On page 1, line 4, change "4:551" to "3:551"

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 817—

BY SENATOR FIELDS

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:61, relative to the use of certain court costs to fund drug rehabilitation services; to create the Drug Rehabilitation Fund; to provide for its investment and uses; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 817 by Senator Fields

AMENDMENT NO. 1

On page 1, line 4, after "services;" delete the remainder of the line.

AMENDMENT NO. 2

On page 1, line 5, delete "Fund; to provide for its investment and uses;" and insert in lieu thereof "to provide for the assessment and distribution of additional costs collected;"

AMENDMENT NO. 3

On page 1, line 10, delete "FUND" and insert in lieu thereof "AND TREATMENT PROGRAMS"

AMENDMENT NO. 4

On page 1, line 12, after "\$61." delete the remainder of the line and insert in lieu thereof "Criminal matters; additional costs for drug treatment and rehabilitation services."

AMENDMENT NO. 5

On page 1, after "A." delete the remainder of the line and line 15 and insert in lieu thereof: "Except as otherwise provided by law, in all criminal cases, in addition to the fine or other penalty which may be legally imposed against every defendant who is convicted after trial or after a plea of guilty or who forfeits his bond, the judge may assess costs of court in the amount of ten dollars. These costs shall be collected by the clerk of court of each parish for further disposition in accordance with the provisions of this Section."

AMENDMENT NO. 6

On page 2, delete lines 1 through 6.

AMENDMENT NO. 7

On page 2, after line 6 insert the following:

"B.(1) In those judicial districts which have jurisdiction over an operational drug court, the clerk of court shall place all sums collected or received under this Section into a special account, to be known as the Drug Rehabilitation Account, and remit the sums monthly to those drug courts to be used solely to fund drug treatment and rehabilitation programs. The court shall cause to be conducted annually an audit of the account and the books and accounts relating thereto and shall file the audit with the office of the legislative auditor where it shall be available for public inspection.

(2) In judicial districts where there is no operational drug court, the clerk of court shall place all sums collected or received under this Section into a special account, to be known as the Drug Rehabilitation Account and remit the sums monthly to the Louisiana Supreme Court to be distributed among those judicial districts without drug courts to be used solely to fund drug treatment and rehabilitation programs. The court shall cause to be conducted annually an audit of the account and the books and accounts relating thereto and shall file the audit with the office of the legislative auditor where it shall be available for public inspection."

AMENDMENT NO. 8

On page 2, delete lines 7 through 24.

On motion of Senator Cravins, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 838—

BY SENATORS ELLINGTON AND BARHAM

AN ACT

To amend and reenact R.S. 3:1614(C) and 1617(A) and to enact R.S. 3:1614(D), relative to agricultural assessments; to provide for certain referendum involving boll weevil assessments; and to provide for related matters.

Reported favorably by the Committee on Agriculture. On motion of Senator Smith, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 947—

BY SENATOR SMITH

AN ACT

To enact R.S. 9:275.5, relative to covenant marriage; to provide for limitation of liability for a pastoral counselor; to provide for an exception; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 983—

BY SENATOR DARDENNE

AN ACT

To amend and reenact Children's Code Art. 1015; relative to termination of parental rights; to provide for the terminations of

parental rights of parents who have been convicted of sexually abusing their children; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 983 by Senator Dardenne

AMENDMENT NO. 1

On page 1, lines 2 and 7, after "1015" insert "(3)"

AMENDMENT NO. 2

On page 1, line 3, change "terminations" to "termination"

AMENDMENT NO. 3

On page 1, delete line 9

AMENDMENT NO. 4

On page 2, delete lines 12 and 13 and insert asterisks " * * * "

AMENDMENT NO. 5

On page 2, delete lines 25 through 27 and insert asterisks " * * * "

AMENDMENT NO. 6

On page 3, delete lines 1 through 27

AMENDMENT NO. 7

On page 4, delete lines 1 through 4

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

Rules Suspended

Senator Schedler asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 316 from the Committee on Health and Welfare.

SENATE BILL NO. 316—

BY SENATOR SCHEDLER

AN ACT

To enact Part III of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1331 through 1335, relative to the practice of anesthesiologist assistants in Louisiana; to provide for the licensure of anesthesiologist assistants; to provide for definitions; to provide for regulation of anesthesiologist assistants by the State Board of Medical Examiners; to provide for an Anesthesiologist Assistants Advisory Committee; to provide for a scope of practice by anesthesiologist assistants and for standards for supervision by practicing anesthesiologists; and to provide for related matters.

On motion of Senator Schedler, the bill was read by title and withdrawn from the files of the Senate.

Motion to Recommit

Senator Gautreaux asked for and obtained a suspension of the rules and recommitment Senate Concurrent Resolution No. 15 from the Committee on Agriculture to the Committee on Environmental Quality.

Motion to Recommit

Senator Schedler asked for and obtained a suspension of the rules and recommitment House Bill No. 323 from the Committee on Health and Welfare to the Committee on Insurance.

Reconsideration

On motion of Senator Irons, pursuant to the previous notice given, the vote by which the following bill failed to pass on Monday, April 7, 2003 was reconsidered.

SENATE BILL NO. 565—

BY SENATORS IRONS, HAINKEL AND BAJOE

AN ACT

To amend and reenact R.S. 9:242 and 243, relative to marriage; to provide that certain officiants in Orleans Parish may waive the seventy-two hour delay for non-resident marriages; to provide relative to penalties; and to provide for related matters.

On motion of Senator Irons, the bill was read by title and returned to the Calendar, subject to call.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 828—

BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 27:353(4), 361(C), 363, and 392(B)(3)(b) and to enact R.S. 27:372.1 and 392(B)(3)(d), relative to Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide with respect to slot machine gaming at live racing facilities; to authorize slot machine gaming at an eligible facility in Orleans Parish; to provide with respect to the allocation of revenue; to provide for the authority of the Gaming Control Board to approve, execute, and implement an amendment of the casino operating contract and issue or modify regulatory approvals related thereto; to provide limitations on the number of slot machines operated at an eligible facility in Orleans Parish; and to provide for related matters.

Senator Boissiere moved that Senate Bill No. 828 be recommitment to the Committee on Revenue and Fiscal Affairs.

Without objection, so ordered.

SENATE BILL NO. 842—

BY SENATOR MCPHERSON AND REPRESENTATIVES CURTIS, DEWITT AND FARRAR

AN ACT

To enact Code of Civil Procedure Art. 4843(J), relative to city court jurisdiction; to provide for an increase in the jurisdictional amount for the Alexandria City Court; and to provide for related matters.

On motion of Senator McPherson, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 860—

BY SENATORS DARDENNE AND SCHEDLER

AN ACT

To amend and reenact Civil Code Art. 1499, relative to the usufruct of a surviving spouse; to provide that security shall not be required in certain cases; to provide for exceptions; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

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Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 860 by Senator Dardenne

AMENDMENT NO. 1

On page 2, delete line 2, and insert the following: "A usufruct over the legitime in favor of the surviving spouse is a permissible burden that does not impinge upon the legitime, whether it affects community property or separate property, whether it is for life or a shorter period, whether or not the forced heir is a descendant of the surviving spouse, and whether or not the usufructuary has the power to dispose of nonconsumables."

On motion of Senator Dardenne, the amendments were adopted.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Lambert	
Ellington	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Bean	Jones, CD	Ullo
Fields	McPherson	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 14—

BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 56:302.9(A)(1), relative to charter boat fishing guide licenses; to provide requirements for issuance of saltwater charter boat guide licenses; and to provide for related matters.

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Engrossed Senate Bill No. 14 by Senator Cain

AMENDMENT NO. 1

On page 1, at the end of line 15, insert the following: "In addition, any person acting as a saltwater charter boat fishing guide who is in charge of the operation of a vessel shall have his required licenses on his person while on the water. It shall not be a violation of this

Section for a person to represent himself as a charter boat fishing guide if that person held a valid license during the previous thirty days but has not renewed the license."

On motion of Senator Cain, the amendments were adopted.

The bill was read by title. Senator Cain moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Lentini
Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Lambert	
Total—32		

NAYS

Total—0

ABSENT

Bean	Jones, CD	Ullo
Cravins	McPherson	
Fields	Schedler	
Total—7		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 27—

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 56:116.1(B)(1), relative to the use of aircraft in the taking of wild turkey and white-tailed deer; to prohibit the use of aircraft for the taking, or spotting of either species; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 27 by Senator Hainkel

AMENDMENT NO. 1

On page 1, delete line 14

AMENDMENT NO. 2

On page 2, line 4, change "aircrafts" to "aircraft"; and on line 5, change "dirigible" to "dirigibles", and on line 7, change "boat or vessel and" to "boat, vessel, or"

AMENDMENT NO. 3

On page 2, line 8, change "taking, possessing" to "taking or possessing of any bird or animal,"

AMENDMENT NO. 4

On page 2, line 9, change "or attempt to" to "or attempting to hunt, shoot, take or possess any bird or animal"

On motion of Senator Lambert, the amendments were adopted.

On motion of Senator Romero, the amended bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 29—

BY SENATOR DUPRE AND REPRESENTATIVE PITRE
AN ACT

To enact R.S. 49:170.8, relative to state symbols; to designate the loss of coastal wetlands to be our "state crisis"; to authorize the use of the "America's WETLAND" logo on official state documents; and to provide for related matters.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 45—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 56:332(E)(1) and (G) and to enact R.S. 56:332(M), relative to a program for removal of abandoned crab traps; to authorize the Louisiana Wildlife and Fisheries Commission to establish such a program; to require promulgation of rules and regulations under the Administrative Procedure Act; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bean	Jones, CD
Fields	Ullo
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 50—

BY SENATORS THEUNISSEN, HOYT AND MOUNT
AN ACT

To amend and reenact R.S. 17:432(A)(1), (B), (C), (D), and (E) and 432.1(A), (B)(1), (C), (D), and (E), relative to awards for various school employees; to eliminate the limit on the amount

of money that may be provided for such awards; to require school board approval of the amount of money provided for such awards; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 50 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 8, following "parish" and before "or" insert a comma
"

AMENDMENT NO. 2

On page 4, line 12, following "parish" and before "or" insert a comma
"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Theunissen moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bean	Jones, CD
Fields	Ullo
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 68—

BY SENATOR SMITH

AN ACT

To enact R.S. 33:381(C)(27), relative to municipal officers; to provide that the village of Dry Prong shall appoint the chief of police; to provide for the salary, duties, qualifications, and responsibilities of the chief of police; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	
Ellington	Malone	
Total—34		

NAYS

Total—0

ABSENT

Bean	Irons	Ullo
Fields	Jones, CD	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 83— BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(c), relative to the Department of Education, including provisions to provide for the re-creation of the Department of Education and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Lambert	Theunissen
Fontenot	Lentini	Thomas
Total—33		

NAYS

Mr. President
Total—2

Dean

ABSENT

Bean	Jones, CD
------	-----------

Fields
Total—4

Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 110— BY SENATORS HINES AND HOYT

AN ACT

To amend and reenact R.S. 17:416(B)(1)(b), relative to minimum blade length; to prohibit a student from carrying or possessing a knife of any blade length; to provide for the discipline of such student; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 110 by Senator Hines

AMENDMENT NO. 1

On page 2, line 9, following "in" and before "(c)(i)" change "Subparagraph" to "Item"

AMENDMENT NO. 2

On page 2, line 13, following "in" change "Subsection" to "Paragraph"

AMENDMENT NO. 3

On page 2, line 14, change "and" to "such student"; and on line 15, after "minimum", insert a comma ","

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Hines moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bean	Jones, CD
Fields	Ullo
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 112—

BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:10.4(D)(1), relative to school and district accountability; to allow distinguished educators who are active employees of a public postsecondary institution or any city or parish or other local school system to be granted a leave of absence from such employment up to six years; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Lambert	
Ellington	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Bean	Jones, CD	Ullo
Fields	Malone	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 126—

BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:31(A)(1), the introductory paragraph of (2)(a), (2)(a)(iv), the introductory paragraph of (2)(b), (2)(b)(iv) and (v), and (c), 32(B), the introductory paragraph of 33(A), and 33(A)(2) and (B), and to enact R.S. 17:31(A)(2)(d) and (e), relative to the State Advisory Commission on Teacher Education and Certification; to revise and increase the membership; to provide for the transaction of business; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Malone
---------------	-----------	--------

Adley	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Lambert	Theunissen
Fontenot	Lentini	Thomas
Total—33		

NAYS

Dean
Total—1

ABSENT

Bajoie	Fields	Ullo
Bean	Jones, CD	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 128—

BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:433(C) and to enact R.S. 17:433(D) and 433.1, relative to the outstanding state teacher and principal awards; to establish the outstanding state principal awards; to allow the recipients of the state awards to receive certain monetary awards from private sources; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Bajoie	Hines	Michot
Barham	Holden	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	
Fontenot	Malone	
Total—34		

NAYS

Total—0

ABSENT

Bean	Fields	Ullo
Ellington	Jones, CD	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

April 8, 2003

SENATE BILL NO. 146— BY SENATOR SMITH

AN ACT

To enact R.S. 25:213(E), relative to parish or municipal libraries; to authorize the governing authority of Winn Parish to authorize the Winn Parish library boards to expend a portion of the library maintenance tax for certain purposes; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 146 by Senator Smith

AMENDMENT NO. 1

On page 1, delete lines 12 -15

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Smith moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bean	Jones, CD
Fields	Ullo
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 246—

BY SENATOR SMITH AND REPRESENTATIVE SALTER

AN ACT

To authorize the state to exchange and convey title to certain property in Sabine Parish for certain property owned by Blue Lake Village, Incorporated; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bean	Jones, CD
Fields	Ullo
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 252—

BY SENATOR DUPRE

AN ACT

To enact R.S. 40:1496(I), relative to fire protection districts; to provide for the membership of the board of commissioners of the Terrebonne Parish Fire District Number Five; to provide for extending the district into Lafourche Parish; to provide for the terms of office for board members; to provide for the board chairman; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bean	Jones, CD
Fields	Ullo

Total—4

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Dupre asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 252. He had intended to vote yea on the bill. He asked that the Official Journal so state.

SENATE BILL NO. 363— BY SENATOR THEUNISSEN

AN ACT

To enact Chapter 3-E of Title 8 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 8:135 through 135.2, relative to publicly owned cemeteries; to create the Sweet Lake - Grand Lake Community Cemetery District in Cameron Parish; to provide for the district's boundaries, purpose, powers and duties; to provide for a board of commissioners of the district; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Lentini
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Lambert	Thomas
Total—33		

NAYS

Dean	Malone
Total—2	

ABSENT

Bean	Jones, CD
Fields	Ullo
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 21— BY SENATOR CAIN AND REPRESENTATIVE ILES

AN ACT

To amend and reenact R.S. 47:302.5, 322.19, and 332.3, relative to the Vernon Parish Community Improvement Fund; to provide for the appropriation, administration, distribution, and use of money in the fund; and to provide for related matters.

On motion of Senator Cain, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 193— BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:471(B)(1), relative to the Louisiana State Employees' Retirement System; to provide for survivor's benefit for a surviving handicapped child; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Fontenot	Malone	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Fields	Ullo
Bean	Jones, CD	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 195— BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:537(F), relative to the Louisiana State Employees' Retirement System; to remove the sunset provision for the partial repayment of refunds; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas

April 8, 2003

Ellington
Total—35

Lentini
NAYS

Total—0

ABSENT

Bean
Fields
Total—4

Jones, CD
Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 196—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:531(A), relative to the Louisiana State Employees' Retirement System; to provide for the payment of employee and employer contributions; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Cravins
Dardenne
Dean
Dupre
Ellington
Total—35

Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hollis
Hoyt
Irons
Johnson
Jones, B
Lambert
Lentini
Malone
Marionneaux
McPherson
Michot
Mount
Romero
Schedler
Smith
Tarver
Theunissen
Thomas

NAYS

Total—0

ABSENT

Bean
Fields
Total—4

Jones, CD
Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 197—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11: 181(B)(3), relative to Louisiana Clerks of Court Retirement System and Relief Fund; to delete reference to the chairman of the Senate Finance Committee from the provisions of law relating to per diem; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Cravins
Dardenne
Dean
Dupre
Ellington
Total—34

Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hollis
Irons
Johnson
Jones, B
Lambert
Lentini
Malone

Marionneaux
McPherson
Michot
Mount
Romero
Schedler
Smith
Tarver
Theunissen
Thomas

NAYS

Total—0

ABSENT

Bean
Fields
Total—5

Hoyt
Jones, CD

Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 198—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:513(F)(2), relative to Louisiana State Employees Retirement System; to provide for per diem for attendance at meetings of the board; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 198 by Senator Boissiere

AMENDMENT NO. 1

On page 2, line 5, delete the asterisks "*" * *"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Boissiere moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley
Bajoie
Barham
Boissiere
Cain
Chaisson

Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hollis

Malone
Marionneaux
McPherson
Michot
Mount
Romero

Cravins
Dardenne
Dean
Dupre
Ellington
Total—33

Irons
Johnson
Jones, B
Lambert
Lentini

Schedler
Smith
Tarver
Theunissen
Thomas

NAYS

Total—0

ABSENT

Mr. President
Bean
Total—6

Fields
Hoyt

Jones, CD
Ullo

The Chair declared the amended bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 199—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:1541, relative to Louisiana Clerks of Court Retirement System and Relief Fund; to provide that the chairman of the Senate Retirement Committee shall serve as an ex officio member; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Cravins
Dardenne
Dean
Dupre
Ellington
Total—34

Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hollis
Hoyt
Irons
Johnson
Jones, B
Lambert
Lentini

Malone
Marionneaux
McPherson
Michot
Mount
Romero
Smith
Tarver
Theunissen
Thomas

NAYS

Total—0

ABSENT

Bean
Fields
Total—5

Jones, CD
Schedler

Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 202—
BY SENATOR BOISSIERE

AN ACT

To repeal Act No. 293 of the 1976 Regular Session, relative to the ownership of building property by certain retirement systems; to provide with respect to the ownership of building property of the Teachers' Retirement System of Louisiana, the Louisiana State Employees' Retirement System and the School Employees'

Retirement System of Louisiana; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Cravins
Dardenne
Dean
Dupre
Total—33

Ellington
Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hollis
Irons
Johnson
Jones, B
Lambert

Lentini
Malone
Marionneaux
McPherson
Michot
Mount
Romero
Smith
Tarver
Theunissen
Thomas

NAYS

Total—0

ABSENT

Bean
Fields
Total—6

Hoyt
Jones, CD

Schedler
Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 203—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:1931 and to repeal R.S. 11:1930.1, 1930.2, and 1930.3, relative to the Parochial Employees' Retirement System of Louisiana; to provide with respect to limitations on benefits payable to highly compensated employees; to provide with respect to compliance with Internal Revenue Code provisions; to repeal authority for early payment of benefits; to repeal provisions relating to limitations on compensation; to repeal provisions relating to transfer of benefits; to repeal authority for computation of retirement benefits; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 203 by Senator Boissiere

AMENDMENT NO. 1

On page 1, between lines 10 and 11, insert "Notice of intention to introduce this Act has been published."

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Boissiere moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Lambert	
Ellington	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Bean	Jones, CD	Ullo
Fields	Schedler	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Lambert in the Chair

SENATE BILL NO. 214—

BY SENATORS DUPRE, CAIN AND SCHEDLER AND
REPRESENTATIVES PITRE AND DOWNER
A JOINT RESOLUTION

Proposing to amend Article VII, Sections 10.2(B) and (C) and 10.5(C) of the Constitution of Louisiana and to add Article VII, Section 10(D)(2)(e) of the Constitution of Louisiana, relative to state funds; to provide for appropriation of monies in the Mineral Revenue Audit and Settlement Fund for deposit in the Wetlands Conservation and Restoration Fund; to eliminate the cap on the balance of certain mineral revenues that can be in the balance of the Wetlands Conservation and Restoration Fund; to provide for the allocation of appropriation of nonrecurring revenues for deposit into the Wetlands Conservation and Restoration Fund; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

Mr. President in the Chair

Motion to Make Special Order

Senator Dupre asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 214, which is on Third Reading and Final Passage Subject to Call, Special Order of the Day No. 1 on Wednesday, April 9, 2003 immediately following the Morning Hour.

Motion to Make Special Order

Senator Dupre asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 568, which is on Third Reading and Final Passage, Special Order of the Day No. 2 on Wednesday, April 9, 2003 immediately following the Morning Hour.

Rules Suspended

Senator Lambert asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 8, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 32—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To recognize and acknowledge the work, accomplishments, and contributions of Carol Colthorp and to offer the condolences of the legislature to her family.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 33—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To commend the crew of the space shuttle Columbia and offer the condolences of the legislature to their families.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

**COMMERCE, CONSUMER PROTECTION AND
INTERNATIONAL AFFAIRS**

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 13—

BY SENATOR SMITH AND REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To urge and request CBS Television to forgo its plans to develop and air "The Real Beverly Hillbillies" television show.

Reported favorably.

SENATE BILL NO. 63—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 3:3391.5(A), R.S. 36:4.1(F), 104(A)(14), R.S. 37:3524, R.S. 42:1123(10)(a), R.S. 45:1180(C)(3), R.S. 48:2063(C)(10), R.S. 49:968(B)(1), (3), (3)(c), and (20), R.S. 51:911.26(E), 935(D), 1037(B) and (C), 1041(E), 1260(E), 1261(E), 1287, 1367(A), 2312(F), 2319, 2337(D), 2341(D)(2), 2381(A), 2382(B)(4) and (5), and 2391(A), relative to the Senate Commerce, Consumer Protection, and International Affairs Committee; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 347—

BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 8:1(7) and (26), 656, 657, 658, 661, and 662 and R.S. 37:831(9), (16), and (23), 846(A)(6), (11), (13), and (14) and 849 and to enact R.S. 37:831(53) through (71) and 846(A)(16) through (19), and Part III of Chapter 10 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:871 through 885, relative to crematories; to provide for definitions; to provide for records of cemetery authorities; to provide relative to the Louisiana State Board of Embalmers and Funeral Directors; to provide for grounds for administrative action; to provide for injunction proceedings; to prohibit certain actions; to provide for qualifications for licenses and exceptions; to provide for renewal of licenses; to provide for license fees; to provide for authorizing agents for cremation; to provide for authorizations to cremate and refusals to cremate; to provide for cremation containers; to provide for cremation procedures and delivery and packaging of cremated human remains; to provide for the disposition of cremated human remains; to provide for violations and penalties; to provide relative to liability; to provide for administration and the promulgation of rules and regulations; to provide relative to pre-arranged or prepaid cremation services; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 497—

BY SENATOR HOLLIS AND MICHOT

AN ACT

To amend and reenact R.S. 40:1722(B)(3),(4), and (5), and (D), 1727(3), and 1728(A), and to repeal R.S. 40:1722(C), relative to the state building code; to provide for the standard building code; to provide for the mechanical code; to provide for the standard electric code to provide legislative findings; to provide for adoption of a uniform code; to provide for enforcement; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 680—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:454(B), relative to cemeteries; to provide for the definition of a designated trustee required for perpetual or endowed care cemeteries; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 681—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:502(A), relative to certain trust fund requirements; to provide for the delivery of property or services

at a future date; to provide for an increase in the trust fund requirement; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
KEN HOLLIS
Chairman

**REPORT OF COMMITTEE ON
HEALTH AND WELFARE**

Senator Schedler, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE BILL NO. 15—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 40:1156, relative to sewage and sewerage; to require the secretary of the Department of Health and Hospitals to develop guidelines for maintenance of individual sewerage systems and for the training of homeowners who choose to maintain their own sewerage systems; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 132—

BY SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 40:1300.61(C)(1), relative to the River Region Cancer Screening and Early Detection District; to increase the membership by two on the board of commissioners; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 238—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:2199(A)(1), relative to violations, penalties, fines, and appeal process for health care facilities; to provide for extending those powers to all health care providers licensed or certified by the Department of Health and Hospitals; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 294—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:751(A)(6), 752(2), 780(B)(1), 791(B), 1744(A)(1) and (2), and 1745(A)(1) and (2) and to enact R.S. 37:794(C) and (D) and 795(B)(1)(l) relative to the dental practice act; to provide definitions; to provide with respect to the burden of proof and decisions for certain hearings; to provide for inventory requirements; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 297—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:788(B)(3) and 789(A) and (B) and to enact R.S. 37:789(C) and (D), relative to the practice of dentistry and dental hygiene without a license; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 298—
BY SENATOR HINES

AN ACT

To enact R.S. 40:1299.36.1, relative to human cloning; to provide for an expiration date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 309—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:44(C), relative to compulsory registration of births; to delete the reference to the local registrar; to add a reference to the Vital Records Registry; to change the time period for the preparer of the certificate to provide missing information; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 377—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:2017.11, relative to fees for review of plans by the Department of Health and Hospitals; to increase fees for the review of construction plans for hospitals, ambulatory surgical centers, nursing homes, and group or community homes or other residential living options by the Department of Health and Hospitals; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 386—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 13:4751(B), relative to petitioning for name change of adults and minors; to provide for additional venues for filing for name change; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 387—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R. S. 46:236.1(I)(2), relative to child support program; to provide relative to the collection of child support obligations; to provide relative to interception of federal tax refunds; to add certain situations to the authority for such intercepts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 592—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:1299.82(3), relative to the operations of the statewide cancer registry; to provide with respect to the powers and duties of the president; to provide for cooperation with additional cancer surveillance organizations in reporting data; and to provide for related matters.

Reported favorably.

Respectfully submitted,
TOM SCHEDLER
Chairman

**REPORT OF COMMITTEE ON
INSURANCE**

Senator Tarver, Chairman on behalf of the Committee on Insurance, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

SENATE BILL NO. 150—
BY SENATORS DUPRE AND HAINKEL

AN ACT

To enact R.S. 22:1476, relative to a public adjuster; to provide that certain contracts between a public adjuster and an insured are null and void; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 227—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 42:851(A)(7), relative to group insurance; to prohibit the state from increasing an employees portion of the total insurance premium to cover deficits; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 229—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 22:1193(K), relative to continuing education requirements for renewal of insurance licenses; to provide for the granting of continuing education credits to certain licensed agents and brokers active for participation in certain industry organizations; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
GREGORY TARVER
Chairman

**REPORT OF COMMITTEE ON
ENVIRONMENTAL QUALITY**

Senator Cain, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Environmental Quality to submit the following report:

SENATE BILL NO. 109—

BY SENATOR DUPRE

AN ACT

To enact Part XV-A of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3086.21 through 3086.26, and to repeal Act No. 113 of the 1950 Regular Session, Act No. 192 of the 1952 Regular Session, Act No. 13 of the 1958 Extraordinary Session, Act No. 186 of the 1970 Regular Session, Act No. 393 of the 1981 Regular Session, Act No. 31 of the 1983 First Extraordinary Session, Act No. 905 of the 1991 Regular Session, Act No. 196 of the 1992 Regular Session, Act No. 953 of the 1995 Regular Session, Act No. 82 of the 1996 Extraordinary Session, Act No. 521 of the 1997 Regular Session, Act No. 2 of the 1998 Extraordinary Session, Act No. 803 of the 2001 Regular Session, Act No. 19 of the 2002 Extraordinary Session, and Act No. 95 of the 2002 Extraordinary Session, relative to the Bayou Lafourche Freshwater District; to codify certain existing laws governing the creation and powers, duties, functions, and responsibilities of the Bayou Lafourche Fresh Water District and the board of commissioners of the district; to provide for the powers, duties, functions, and responsibilities of the board; to provide for the selection of commissioners from the parish of Lafourche; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAMES DAVID CAIN
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Cain asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 15—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 40:1156, relative to sewage and sewerage; to require the secretary of the Department of Health and Hospitals to develop guidelines for maintenance of individual sewerage systems and for the training of homeowners who choose to maintain their own sewerage systems; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 15 by Senator Dupre

AMENDMENT NO. 1

On page 2, line 10, change "for" to "of"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 63—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 3:3391.5(A), R.S. 36:4.1(F), 104(A)(14), R.S. 37:3524, R.S. 42:1123(10)(a), R.S. 45:1180(C)(3), R.S. 48:2063(C)(10), R.S. 49:968(B)(1), (3), (3)(c), and (20), R.S. 51:911.26(E), 935(D), 1037(B) and (C), 1041(E), 1260(E), 1261(E), 1287, 1367(A), 2312(F), 2319, 2337(D), 2341(D)(2), 2381(A), 2382(B)(4) and (5), and 2391(A), relative to the Senate Commerce, Consumer Protection, and International Affairs Committee; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 109—

BY SENATOR DUPRE

AN ACT

To enact Part XV-A of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3086.21 through 3086.26, and to repeal Act No. 113 of the 1950 Regular Session, Act No. 192 of the 1952 Regular Session, Act No. 13 of the 1958 Extraordinary Session, Act No. 186 of the 1970 Regular Session, Act No. 393 of the 1981 Regular Session, Act No. 31 of the 1983 First Extraordinary Session, Act No. 905 of the 1991 Regular Session, Act No. 196 of the 1992 Regular Session, Act No. 953 of the 1995 Regular Session, Act No. 82 of the 1996 Extraordinary Session, Act No. 521 of the 1997 Regular Session, Act No. 2 of the 1998 Extraordinary Session, Act No. 803 of the 2001 Regular Session, Act No. 19 of the 2002 Extraordinary Session, and Act No. 95 of the 2002 Extraordinary Session, relative to the Bayou Lafourche Freshwater District; to codify certain existing laws governing the creation and powers, duties, functions, and responsibilities of the Bayou Lafourche Fresh Water District and the board of commissioners of the district; to provide for the powers, duties, functions, and responsibilities of the board; to provide for the selection of commissioners from the parish of Lafourche; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Cain, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 132—

BY SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 40:1300.61(C)(1), relative to the River Region Cancer Screening and Early Detection District; to increase the membership by two on the board of commissioners; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 150—

BY SENATORS DUPRE AND HAINKEL

AN ACT

To enact R.S. 22:1476, relative to a public adjuster; to provide that certain contracts between a public adjuster and an insured are null and void; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Tarver, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 227—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 42:851(A)(7), relative to group insurance; to prohibit the state from increasing an employees portion of the total insurance premium to cover deficits; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Tarver, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 229—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 22:1193(K), relative to continuing education requirements for renewal of insurance licenses; to provide for the granting of continuing education credits to certain licensed agents and brokers active for participation in certain industry organizations; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 229 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2, after "(K)" insert "and (L)"

AMENDMENT NO. 2

On page 1, line 5, after "organizations," insert "to provide for certain exceptions;"

AMENDMENT NO. 3

On page 1, line 8, after "(K)" insert "and (L)"

AMENDMENT NO. 4

On page 1, line 8, change "is" to "are"

AMENDMENT NO. 5

On page 1, line 8, after "follows" add a colon ":"

AMENDMENT NO. 6

On page 1, below line 14, insert the following:

"L. The provisions of this Section shall not apply to currently serving legislators or to former legislators who have at least twenty years of service with the legislature."

On motion of Senator Tarver, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 238—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:2199(A)(1), relative to violations, penalties, fines, and appeal process for health care facilities; to provide for extending those powers to all health care providers licensed or certified by the Department of Health and Hospitals; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 238 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 2, after "facility" insert a comma

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 294—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:751(A)(6), 752(2), 780(B)(1), 791(B), 1744(A)(1) and (2), and 1745(A)(1) and (2) and to enact R.S. 37:794(C) and (D) and 795(B)(1)(l) relative to the dental practice act; to provide definitions; to provide with respect to the burden of proof and decisions for certain hearings; to provide for inventory requirements; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 294 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 10, after "and R.S." insert "37:"

AMENDMENT NO. 2

On page 3, line 5, before "unlicensed" insert "licensee or the"

AMENDMENT NO. 3

On page 3, line 14, change "examination" to "examining"

AMENDMENT NO. 4

On page 3, line 17, change "examination" to "examining"

AMENDMENT NO. 5

On page 5, line 8, change "~~dentist,~~" to "dentist,"

AMENDMENT NO. 6

On page 5, line 14, change "~~Louisiana State Board of Dentistry,~~" to "Louisiana State Board of Dentistry,"

AMENDMENT NO. 7

On page 5, line 27, change "~~Louisiana~~" to "Louisiana" and on page 6, line 1, change "~~State Board of Dentistry,~~" to "State Board of Dentistry,"

AMENDMENT NO. 8

On page 6, line 9, change "~~dentist, dental hygienist,~~" to "dentist, dental hygienist,"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 297—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:788(B)(3) and 789(A) and (B) and to enact R.S. 37:789(C) and (D), relative to the practice of dentistry and dental hygiene without a license; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 297 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 13, after "regulation" delete the comma and insert "or"

AMENDMENT NO. 2

On page 2, line 15 delete "or assisting in the" and on line 16 delete "practice"

AMENDMENT NO. 3

On page 2, line 26, change "executive director" to "president."

AMENDMENT NO. 4

On page 2, line 27, change "facility" to "entity" and delete "any activity."

AMENDMENT NO. 5

On page 3, line 1, delete "conduct, or practice constituting dentistry" and insert "the unlicensed practice of dentistry"

AMENDMENT NO. 6

On page 3, line 2, change "facility" to "entity" and after "such" delete "activity, conduct or" and insert "the unlicensed practice of dentistry," and on line 3, delete "practice"

AMENDMENT NO. 7

On page 3, lines 8 delete "or any other board" and on line 9 delete "member authorized by him"

AMENDMENT NO. 8

On page 3, line 11, after "person" insert "or entity" and after "in the" delete the remainder of the line and insert "unlicensed practice of dentistry"

AMENDMENT NO. 9

On page 3, line 12, delete "practice"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 298—

BY SENATOR HINES

AN ACT

To enact R.S. 40:1299.36.1, relative to human cloning; to provide for an expiration date; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 309—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:44(C), relative to compulsory registration of births; to delete the reference to the local registrar; to add a reference to the Vital Records Registry; to change the time period for the preparer of the certificate to provide missing information; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 347—

BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 8:1(7) and (26), 656, 657, 658, 661, and 662 and R.S. 37:831(9), (16), and (23), 846(A)(6), (11), (13), and (14) and 849 and to enact R.S. 37:831(53) through (71) and 846(A)(16) through (19), and Part III of Chapter 10 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:871 through 885, relative to crematories; to provide for definitions; to provide for records of cemetery authorities; to provide relative to the Louisiana State Board of Embalmers and Funeral Directors; to provide for grounds for administrative action; to provide for injunction proceedings; to prohibit certain actions; to provide for qualifications for licenses and exceptions; to provide for renewal of licenses; to provide for license fees; to provide for authorizing agents for cremation; to provide for authorizations to cremate and refusals to cremate; to provide for cremation containers; to provide for cremation procedures and delivery and packaging of cremated human remains; to provide for the disposition of cremated human remains; to provide for violations and penalties; to provide relative to liability; to provide for administration and the promulgation of rules and regulations; to provide relative to pre-arranged or prepaid cremation services; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 347 by Senator Boissiere

AMENDMENT NO. 1

On page 5, line 4 after "internment," delete "or"

AMENDMENT NO. 2

On page 5, line 4 after "burial" insert ", ~~or~~ cremation, or anatomical donation"

AMENDMENT NO. 3

On page 7, delete lines 24 through 27 in their entirety.

AMENDMENT NO. 4

On page 8, line 2 change "(66)" to "(65)"

AMENDMENT NO. 5

On page 8, line 12 change "(67)" to "(66)"

AMENDMENT NO. 6

On page 8, and on line 16 change "(68)" to "(67)"

AMENDMENT NO. 7

On page 8, and on line 20 change "(69)" to "(68)"

AMENDMENT NO. 8

On page 8, line 24 change "(70)" to "(69)"

AMENDMENT NO. 9

On page 9, line 3 change "(71)" to "(70)"

AMENDMENT NO. 10

On page 9, line 24 after "of the" delete the remainder of the line and on line 25 delete "representative if there is no next of kin, or"

AMENDMENT NO. 11

On page 9, line 26 after "body" delete the remainder of the line and delete line 27 in its entirety and insert "or cremated human remains."

AMENDMENT NO. 12

On page 15, line 27 after "whose" delete "final"

AMENDMENT NO. 13

On page 16, line after "arranging the" delete "final"

AMENDMENT NO. 14

On page 17, line 17 after "pacemakers or" insert "other"

AMENDMENT NO. 15

On page 19, line 22 after "pacemaker" insert "or other hazardous implants"

AMENDMENT NO. 16

On page 19, line 24 after "pacemaker" insert "or other hazardous implants"

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 377—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:2017.11, relative to fees for review of plans by the Department of Health and Hospitals; to increase fees for the review of construction plans for hospitals, ambulatory surgical centers, nursing homes, and group or community homes or other residential living options by the Department of Health and Hospitals; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 386—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 13:4751(B), relative to petitioning for name change of adults and minors; to provide for additional venues for filing for name change; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 387—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R. S. 46:236.1(I)(2), relative to child support program; to provide relative to the collection of child support obligations; to provide relative to interception of federal tax refunds; to add certain situations to the authority for such intercepts; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 387 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 12, between "I" and "(1)" insert a period

AMENDMENT NO. 2

On page 1, line 13, after "(2)" delete "The" and insert "**In addition to any other legal remedies provided by law, the**"

AMENDMENT NO. 3

On page 2, line 2, delete "FITAP" and after "eligibility" delete the comma and insert "**or in a case where the department is providing services as provided in Subsection (B)(2) of this Section**" and delete all of line 3 and on line 4 delete "**providing support enforcement services**"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 497—

BY SENATOR HOLLIS AND MICHOT

AN ACT

To amend and reenact R.S. 40:1722(B)(3),(4), and (5), and (D), 1727(3), and 1728(A), and to repeal R.S. 40:1722(C), relative to the state building code; to provide for the standard building code; to provide for the mechanical code; to provide for the standard electric code to provide legislative findings; to provide for adoption of a uniform code; to provide for enforcement; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 497 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2 between "40:1722(B)" and "(3)," insert "(2)," and after "(D)," insert "1723(B)."

AMENDMENT NO. 2

On page 1, line 3 after "1728(A)," insert "and to enact R.S. 40:1730.1."

AMENDMENT NO. 3

On page 1, line 4 after "for the" delete "standard"

AMENDMENT NO. 4

On page 1, line 5 after "electric code" insert "; to clarify departmental jurisdictional responsibilities;"

AMENDMENT NO. 5

On page 1, line 9 between "40:1722(B)" and "(3)," insert "(2)" and after "(5)," insert "and (D), 1723(B)."

AMENDMENT NO. 6

On page 1, before line 1 insert the following:

"(2) ~~Chapter Part~~ **Part XIV (Plumbing)** of the State Sanitary Code (~~Plumbing~~) as promulgated by the secretary of the Department of Health and Hospitals."

AMENDMENT NO. 7

On page 2, line 14 change "Safely" to "Safety"

AMENDMENT NO. 8

On page 2, between lines 14 and 15 insert the following:

"§1723. Administration Exception

* * *

B. However, nothing contained herein shall affect the state fire marshal and his jurisdiction on matters of life safety and related areas as provided by Part III of Chapter 7 of this Title, and the secretary of the Department of Health and Hospitals shall administer the provisions of ~~Chapter Part~~ **Part XIV (Plumbing)** of the State Sanitary Code ~~relative to plumbing~~.

AMENDMENT NO. 9

On page 2, line 20 change "2002" to "2000"

AMENDMENT NO. 10

On page 2, line 22 after "Association," insert "as well as Part XIV (Plumbing) of the State Sanitary Code."

AMENDMENT NO. 11

On page 3, line 4 change "2002" to "2000"

AMENDMENT NO. 12

On page 3, line 6 after "Council" delete "and" and insert "1"

AMENDMENT NO. 13

On page 3, line 7 after "Association" insert "and Part XIV (Plumbing) of the State Sanitary Code as promulgated by the secretary of the Department of Health and Hospitals"

AMENDMENT NO. 14

On page 3, between lines 10 and 11 insert the following:

"§ 1730.1. Administration; exceptions

R.S. 40:1730.1 is all proposed new law.

A. The State Uniform Construction Code shall be administered by the office of the state fire marshal of the Department of Public Safety and Corrections.

B. However, nothing contained herein shall affect the secretary of the Department of Health and Hospitals and his jurisdiction on matters over the administration and enforcement of the provisions of Part XIV (Plumbing) of the State Sanitary Code."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 592—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:1299.82(3), relative to the operations of the statewide cancer registry; to provide with respect to the powers and duties of the president; to provide for cooperation with additional cancer surveillance organizations in reporting data; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 680—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:454(B), relative to cemeteries; to provide for the definition of a designated trustee required for perpetual or endowed care cemeteries; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 680 by Senator Ullo

AMENDMENT NO. 1

On page 1, delete lines 12 through 15 in their entirety and insert the following: "a federally insured financial institution or trust company located in Louisiana and authorized to exercise trust or

fiduciary powers under the laws of Louisiana or the United States."

AMENDMENT NO. 2

On page 2, delete lines 1 through 6 in their entirety.

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 681—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:502(A), relative to certain trust fund requirements; to provide for the delivery of property or services at a future date; to provide for an increase in the trust fund requirement; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 681 by Senator Ullo

AMENDMENT NO. 1

On page 2, line 1 change "eighty" to "seventy"

AMENDMENT NO. 2

On page 2, line 4 change "July 1, 2003" to "January 1, 2004"

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 8, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 27—

BY SENATOR LAMBERT

A CONCURRENT RESOLUTION

To invite Chief Justice Pascal Calogero of the Louisiana Supreme Court to address a joint session of the legislature.

SENATE CONCURRENT RESOLUTION NO. 28—

BY SENATOR DUPRE AND REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To commend the South Terrebonne High School Band and its band director, Jason Lyons, for receiving the Grand Champion Trophy for "The Best Marching Band" in the Krewe of Rex.

April 8, 2003**SENATE CONCURRENT RESOLUTION NO. 29—**
BY SENATOR HEITMEIER**A CONCURRENT RESOLUTION**

To commend the Archbishop Shaw High School cheerleaders and their coaches upon winning the 2003 Universal Cheerleaders Association National Championship.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bajoie	½ Day	Bean	1 Day
Chaisson	½ Day	Cravins	½ Day
Dardenne	½ Day	Fields	1 Day
Gautreaux	½ Day	Heitmeier	½ Day
Hollis	½ Day	Hoyt	½ Day
Johnson	½ Day	C. Jones	1 Day
Marionneaux	½ Day	Schedler	½ Day
Thomas	½ Day	Ullo	1 Day

Adjournment

Senator Lambert moved that the Senate adjourn until Wednesday, April 9, 2003, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Wednesday, April 9, 2003.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk